

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROEL RAMOS §
VS. § CIVIL ACTION NO. 1:21-CV-148
FEDERAL BUREAU OF PRISONS, ET AL. §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Roel Ramos, a prisoner confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends granting the defendants' motion for summary judgment.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. The plaintiff filed objections to the magistrate judge's report and recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See FED. R. CIV. P. 72(b)*. After careful consideration, the Court concludes the objections are without merit. The plaintiff did not exhaust available administrative remedies before he filed this action. Therefore, the magistrate judge correctly concluded that the defendants' motion for summary judgment should be granted, and this action should be dismissed without prejudice.

ORDER

Accordingly, the plaintiff's objections [Dkt. 29] are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge [Dkt. 26] is **ADOPTED**. Defendants' motion for summary judgment [Dkt. 18] is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this 21st day of January, 2022.

Michael J. Truncale

Michael J. Truncale
United States District Judge